

KNOCK AND ANNOUNCE REQUIREMENT RE: SEARCH WARRANTS

State v. Crannell, 170 VT 387 (2000)

The “knock-and-announce” rule is derived from the Fourth Amendment’s requirement of reasonableness and mandates that officers must knock and announce their presence before entering a dwelling pursuant to a search warrant. *See Wilson v. Arkansas, 514 U.S. 927, 936, (1995).*

U.S. v. Acosta, 502 F.3d 54 (2nd Cir. 2005)

The Supreme Court in *n Hudson v. Michigan, 547 U.S. 586 (2006)*, concluded that a police officer’s violation of the Fourth Amendment knock-and-announce rule does not require suppression of the evidence obtained in the ensuing search.

Three circumstances may justify a no-knock entrance, permitting officers to disregard the knock and announce rule altogether: (1) when law enforcement officers reasonably fear violence may result if they were to announce their presence; (2) when officers have reason to believe evidence may be destroyed if they were to provide notice before entry; or (3) when an announcement by officers would be futile, as may occur when the circumstances indicate that the inhabitants are well aware of the officers’ presence. *See Richards v. Wisconsin, 520 U.S. 385, 394 (1997); United States v. Spinelli, 848 F.2d 26, 28 (2d Cir.1988).*

Richards v. Wisconsin, 520 U.S. 385, 387–388 (1997)

“Thus, the fact that felony drug investigations may frequently present circumstances warranting a no-knock entry cannot remove from the neutral scrutiny of a reviewing court the reasonableness of the police decision not to knock and announce in a particular case. Instead, in each case, it is the duty of a court confronted with the question to determine whether the facts and circumstances of the particular entry justified dispensing with the knock-and-announce requirement.

“In order to justify a ‘no-knock’ entry, the police must have a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile, or that it would inhibit the effective investigation of the crime by, for example, allowing the destruction of evidence.”